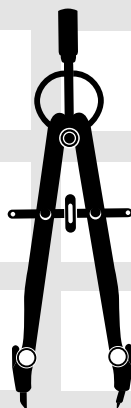




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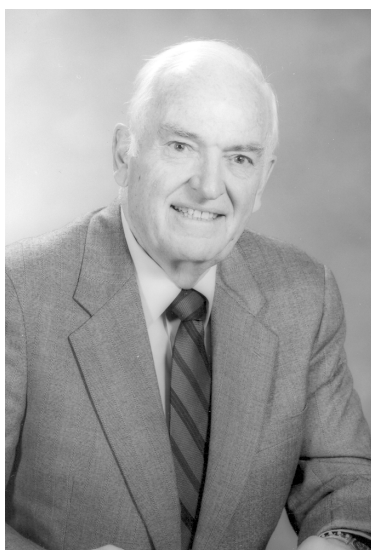
NEW JERSEY STATE BOARD OF ARCHITECTS NEWSLETTER

Volume 7

Winter 2000

Board's Report

by Bernard Kellenyi, FAIA



Fiscal year 2000 was a time of accomplishment for the New Jersey State Board of Architects and, as president, I thank the Board members for their cooperation and their considerable contributions toward achieving our goals.

During the past year, Board members and staff were immersed in the tedious task of updating the regulations in sunset review, as the previous rules were scheduled to expire in February 2000. The Board began its review of the regulations last summer, first by studying and debating the issues and then by formulating changes to the rules. The changes that the Board suggested were then subject to legal and administrative review. After this process was completed, the proposed changes were published, and the Board responded to public comments prior to the final adoption. The regulations were successfully readopted on February 10, 2000.

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New continuing education requirements for architects were adopted by the Board and published in the New Jersey Register on April 3, 2000. All licensees should review these new regulations, which appear in full on page 4, to be certain that they understand the new continuing education requirements. Furthermore, licensees should note that the new requirements will apply during the 2001-2003 renewal period, and not the current renewal period. (Please see the Board's announcement, also on page 4.)

Material changes to the Uniform Enforcement Act were approved on January 18, 2000. The newly revised act establishes consistent requirements for all licensing boards under the New Jersey Division of Consumer Affairs and prescribes standard procedures to govern the boards' duties, including license renewal, suspension and revocation, and ordering fees and

Continued on the next page

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This newsletter is published by the New Jersey State Board of Architects, 124 Halsey Street, Newark, N.J. 07101, 973-504-6385. We welcome your comments and questions. Please address your letters to Newsletter Editor, New Jersey State Board of Architects, P.O. Box 45001, Newark, N.J. 07101.

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penalties. The Board is currently reviewing the act to determine the impact these changes will have on the State's architects.

Changes of particular interest include the following:

- Penalties have been raised to \$10,000 for the first violation and \$20,000 for each subsequent offense, up from \$2,000 and \$5,000 respectively.
- Licenses that are not renewed within 30 days shall be suspended. There is no grace period and an individual who continues to practice without renewing his or her license will have engaged in unlicensed practice and be subject to penalties.
- If an architect does not renew his or her license within five years, the architect is subject to the re-application requirements and re-examination.
- An architect will have the option of renewing his or her license in an active status or an inactive status. While on inactive status, an architect may continue to use the title of architect but may not practice architecture nor represent architects in practice. Upon his or her return to active status, continuing education credits for the inactive period will be required.

All architects should be aware of these new requirements regarding renewals and penalties and should remember to keep the Board informed of address and/or name changes, to ensure that the Board has current information on record.

Considering all of these issues, the New Jersey State Board of Architects has had a busy year.

New License Verification Systems Implemented

As part of our continuing efforts to better serve the public and those we regulate, the New Jersey Division of Consumer Affairs ("Consumer Affairs") is pleased to announce the availability of a new service, the 24-hour-a-day License Verification Line ("LVL").

The LVL is intended to ease the process of confirming a licensee's status. The LVL information includes a licensee's name, address of record, license status, date of expiration and the date of the last status change. You may gain access to the LVL by dialing (973) 273-8090.

You will need to know the license number of the person whose status you wish to verify. The information you request will be faxed to a number which you supply. The license code to access information is 192 for architects, 193 for landscape architects and 194 for business licenses.

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Board Member Honored

Bernard Kellenyi, past president of the New Jersey State Board of Architects, was recently elevated to the College of Fellows of the American Institute of Architects (AIA). The 62,000-member AIA national organization, celebrating its 100th anniversary this year, awarded just 84 fellowships at its May 4, 2000 ceremony. First nominated locally by his peers, Kellenyi was one of three New Jersey architects awarded the prestigious fellowship based on continuous service to the profession and exceptional leadership in various professional organizations. In addition to his 24 years on the New Jersey State Board, Kellenyi has long been an active member of the National Council of Architectural Boards, having also served as its director.

Kellenyi, a resident of Red Bank, has been in private practice for 50 years. Some of his designs include the Christian Brothers Academy in Middletown, The Monmouth Park Racetrack in Oceanport, a ski village at Hunter Mountain, New York, and numerous structures in his hometown and throughout New Jersey. A principal of the Red Bank-based firm, Kellenyi Johnson Wagner, he and his wife Margaret are the proud parents of three grown children.



to all Licensed Architects

On April 3, 2000, a notice of adoption of the new continuing education requirements was published in the New Jersey Register by the New Jersey State Board of Architects. The notice indicated that the continuing education requirements would apply to renewals beginning on or after August 1, 2000. This date was incorrect. The correct date is August 1, 2001. This means that licensees should begin working towards satisfying the new continuing education requirements beginning with the August 1, 2001 renewal to qualify for renewal by August 1, 2003. Credits earned before August 1, 2001, will not be accepted towards fulfilling the new requirements.

Rules Concerning Architect Continuing Education Requirements

13:27-3.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

...

“Continuing education” means professional development activities whose purpose is academic and professional instruction in order to advance an architect’s professional knowledge and skill.

“Continuing education (“CE”) hour” means one 60-minute clock hour of an educational activity with no less than 50 minutes of instructional content within the hour.

...

“Health, safety and welfare programs or courses” means relevant technical and professional architectural continuing education subjects related to safeguarding life, health, and property and promoting the public welfare. The term includes the application of human values and aesthetic principles to the science and technology of structural design or evaluation; building methods, materials, and engineering systems; construction codes; construction-related standards; fire protection; means of egress; and barrier-free accessibility.

...

“Licensee” means a person who has been granted licensure by the New Jersey State Board of Architects.

SUBCHAPTER 4A. CONTINUING EDUCATION

13:27-4A.1 License renewal; continuing education requirements

Each applicant for biennial license renewal shall

complete, during the preceding biennial period, continuing education in the continuing education (“CE”) hours specified in N.J.A.C. 13:27-4A.2. Each applicant shall confirm on the biennial renewal application form that he or she has complied with the Board’s continuing education requirements.

13:27-4A.2 Continuing education hour requirements; carry over of excess CE hours

- (a) Except as set forth in (b) below, a licensee applying for renewal on or after **August 1, 2001**, shall complete, during the preceding biennial period, a minimum of 24 CE hours of continuing education consistent with the definition of “continuing education hour” in N.J.A.C. 13:27-3.1. At least eight CE hours per year or 16 CE hours per biennial renewal period shall be obtained from courses or programs within the definition of health, safety, and welfare programs or courses as set forth in N.J.A.C. 13:27-3.1. The remaining CE hours shall be in educational activities that are directly related to the practice of architecture.
- (b) A licensee shall not be required to obtain CE hours during the first biennial renewal period in which the licensee obtained initial licensure but shall be subject to the requirements of (a) above for all subsequent biennial renewal periods.
- (c) For continuing education license renewal credit, continuing education activities shall be a minimum of one CE hour as defined in N.J.A.C. 13:27-3.1. A maximum of six CE hours shall be credited for any one calendar-day period.

- (d) An architect who exceeds CE requirements in a biennial renewal period may carry up to 12 CE hours, including eight CE hours of health, safety, and welfare programs or courses, into the next renewal period. Any CE hours to be carried over shall have been earned in the last six months of the biennial renewal period.

13:27-4A.3 Sources of CE hours; limitations of CE hours on particular activities

- (a) An architect may obtain unlimited CE hours, including those fulfilling the health, safety and welfare programs or course requirements, from educational programs offered by the following recognized providers listed in (a)1 through 6 below. Continuing education hours shall be granted on an hour-for-hour basis of class attendance, pursuant to N.J.S.A. 45:3-26(c).

1. Courses, programs or seminars offered or approved by the American Institute of Architects (“AIA”);
2. Courses, programs or seminars offered or approved by the National Council of Architectural Registration Boards (“NCARB”);
3. Courses, programs or seminars offered or approved by the School of Architecture at the New Jersey Institute of Technology (“NJIT”);
4. Courses, programs or seminars offered or approved by schools of architecture approved by the National Architectural Accrediting Board (“NAAB”);
5. Courses, programs or seminars offered or approved by the New Jersey Department of Community Affairs that are directly related to the practice of architecture; and
6. Attendance of educational programs conducted during meetings and conferences of architect professional associations recognized by the Board to the extent that CE hours are credited only to that portion of the meeting or conference that comprised the educational program.

- (b) An architect may obtain limited CE hours, including health, safety, and welfare program or course CE hours, in any one-year period, for participation in the following professional activities:

1. Passing the examination for licensure or certification as a landscape architect, land surveyor, professional engineer or professional planner in New Jersey: two CE hours per examination;
2. Preparation of papers, publications, and scientific presentations published or presented within the preceding biennial renewal period provided the subject matter of the paper, publication, or scientific presentation is directly related to the practice of architecture: three CE hours per paper, publication, or scientific presentation with a maximum of one paper, publication or scientific presentation per year;
3. Presentation of table clinics or scientific exhibits that are directly related to the practice of architecture: one hour per hour of presentation, up to a maximum of two CE hours per year;
4. Teaching and research appointments for each new program or course taught or subject matter researched by a licensee that is directly related to the practice of architecture to be performed at or approved by any of the organizations in (a)1 through 5, above: eight CE hours. “New,” in this paragraph, means a program, course or subject matter which the licensee has never taught or researched before in any educational or institutional setting.

13:27-4A.4 Reporting and documentation of continuing education hours

- (a) An architect shall maintain, for five years following license renewal, a record of all continuing education activity completed and shall submit evidence of completion of the CE hour requirements to the Board upon request. An architect shall obtain from the continuing education course sponsor or organization a record of attendance which shall include, at a minimum, the following:
1. The participant’s name and Board-issued license number, which shall appear on every page of every item submitted to the Board;
 2. The title or subject matter of the course;
 3. The name of the instructor;

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At its July 2000 meeting, the Landscape Architect Evaluation and Examination Committee considered which courses are acceptable towards satisfying the Committee's continuing education requirements. The Committee concluded that only those seminars, programs and courses that are beyond the level of the prerequisite courses to the Landscape Architects Registration Examination may be accepted for continuing education credit. Pursuant to N.J.S.A. 45:3A-6 and 45:3A-15, the Committee has established lists of courses within the following subject areas which meet the Committee's advanced standards for continuing education credit.

LEGAL AND ADMINISTRATIVE ISSUES

- Planning and land-use law
- Construction law

- Surveying practices

ANALYSIS

- Mathematics
- Geology
- The history of landscape architecture
- Historical patterns of land use
- Historical and cultural landscapes
- Sociological and cultural influences on design
- Behavioral factors relating to design
- Psychological and sensory implications of landscape design
- Natural site conditions and ecosystems (i.e. ecology and wetlands)
- Resource preservation

Guidelines for Evaluating Continuing Education Courses for Landscape Architects

- Governmental policies and laws that affect the use and/or development of land
- Development restrictions (e.g. zoning, easements, covenants, codes)
- Construction contracts and the responsibilities of the various parties under the construction contract
- Professional liability issues
- The bid evaluation process, including alternates, unit prices, bidder qualifications, bonds, etc.
- Ethical standards for professional practice
- Dispute resolutions

INVENTORY

- Information sources, such as existing documentation, land surveys, land-use plans, aerial surveys, remote sensing (GIS), zoning
- Sources of information on specific site uses, such as sports fields, amphitheater seating, picnic areas, loading docks, playground safety and golf courses, etc.

- Floodplain management principles
- Stormwater management technologies
- Water supply and conservation technologies
- Characteristics of fire hazard areas
- Visual analysis methods and techniques
- Topography
- Hydrology
- Hydraulics (e.g. stormwater collection systems, pumping stations)
- Soils

DESIGN ISSUES

- Design principles
- Aesthetic principles of landscape design
- Regional, urban and community planning principles
- The influences of internal and external views on land use and development (e.g. views, vistas, viewsheds)
- Functional relationships among program elements

- The influences of transportation systems on land use and development
- Roadway design principles
- Elements of vehicular and pedestrian circulation systems and their design requirements
- Code requirements and design principles for universal accessibility
- How previous, existing or potential uses surrounding a site affect land use and development
- Microclimatic and macroclimatic conditions and systems (e.g. wind, solar access)
- Principles of sustainability (i.e. at regional, local and site scales)
- Characteristics of plant material (e.g. size, shape, texture, color)
- Plant materials
- Landscape maintenance techniques, materials, equipment and practices
- Noise attenuation and mitigation techniques

CONSTRUCTION METHODS AND PROCESSES

- Construction methods and techniques
- Construction equipment and technologies
- Sequencing of design, approval, permitting and construction activities
- Methods of installation of construction materials
- Principles of grading and drainage
- Wetland creation and mitigation
- Materials and techniques for erosion and sedimentation control
- Utility systems and their design requirements
- Irrigation types and systems
- The elements of lighting systems, including light sources and their design requirements
- Factors influencing selection of plant materials (e.g. availability, cost, maintenance, location, survivability, dependability)

DOCUMENTATION AND ADMINISTRATION

- Presentation techniques (e.g. computer visualization/simulations, renderings, perspectives)

- Coordinate systems and layout techniques and conventions
- Components of specifications for a project
- Specification types (e.g. material, workmanship, performance, proprietary)
- General and supplemental conditions, special provisions, and technical specifications and their organizations
- Computer technology for design and administration

DETAILS

- Construction details
- Site construction materials, including availability, costs, characteristics and applications
- Site amenities
- Pools, fountains and their design requirements
- Decks, walls and overhead structures
- Structural considerations below grade (e.g. soil bearing, footing foundation systems)
- Structural considerations above grade (e.g. walls, handrails, spans, decking)
- Pavement design and materials
- Structural considerations for small structures. ■

Disciplinary Actions

May 13, 1999:

WALTER OLT (AI005914) entered into a consent order with the State Board of Architects after he allegedly signed and sealed documents that he did not prepare covering the home of Mr. and Mrs. John Macki. Mr. Olt was assessed a \$1,500 civil penalty plus \$383.75 in costs for violation of N.J.A.C. 13:27-9.4(b), for not having direct professional knowledge and direct supervisory control over construction documents he signed and sealed.

October 14, 1999:

ASHOK MARATHE, unlicensed, entered into a consent order with the State Board of Architects after he engaged in the unlicensed practice of architecture while serving as Director of Modernization and Maintenance for the Woodbridge Housing Authority ("WHA"). Specifically, the Board found that he personally designed alterations and renovations to numerous apartments in four structures of a public housing complex in violation of N.J.S.A. 45:3-10. Mr. Marathe was ordered to cease and desist from the unlicensed practice of architecture in the State of New Jersey and to pay the costs of transcription totaling \$294. Additionally, he assured the Board that the WHA will execute future contracts for architectural services only with licensed architects, pursuant to N.J.S.A. 45:3-10 and N.J.S.A. 45:8-41.

November 19, 1999:

LEE YEUNG (AI008402) acknowledged that he continued to practice architecture in New Jersey two years after allowing his license to lapse. In November, 1999, he paid a fine of \$3,000. His license has been reinstated.

November 24, 1999:

WOLFGANG RAPP (AI003506) admitted that he had practiced architecture despite failing to obtain the required Certificate of Authorization from the State Board of Architects, pursuant to N.J.S.A. 45:3-18. Specifically, construction documents for Westwood Hall Hebrew Home in Long Branch were signed and sealed as "Wolfgang Rapp & Associates, Inc." although they lacked the required Certificate of Authorization. Mr. Rapp agreed to cease and desist from signing and sealing construction documents as an architectural firm until the Board issues him a Certificate of Authorization; to sign and seal architectural documents as a sole proprietor under his license number AI003506; and to pay a \$500 penalty. He has since received the Certificate of Authorization.

January 13, 2000:

JOSEPH M. SPATARO (AI008258) was suspended from engaging in the practice of architecture for violating the Architecture Licensing Act, N.J.S.A. 45:3-1 et seq. The suspension is for a period of two years, the first

three months of which were deemed active with the remainder stayed and served as a period of probation. During the active suspension period, Mr. Spataro, his agents and employees were barred from all areas of architectural practice. Specifically, the Attorney General alleged that Mr. Spataro prepared site plans for the construction of a three-story private residence in Belmar, New Jersey, that did not conform to recognized standards for the practice of architecture in this State. Mr. Spataro has agreed, without admission to any of the State's allegations, to pay the Board's costs of investigation and penalties amounting to \$9,500; to successfully complete, by the end of the probationary period, six credit-hours in the subject area of "structural design" in courses approved by the Board president prior to enrollment; and to submit, at his own expense, to monitoring by a Registered Architect licensed by the Board for the first nine months of the probationary period.

March 23, 2000:

LEE DeCAROLIS (AI010015) signed an acknowledgment admitting that he failed to obtain a license and a Certificate of Authorization from the State Board of Architects prior to practicing architecture in New Jersey in violation of N.J.S.A. 45:3-10 and N.J.S.A. 45:3-18. These violations occurred when the

Disciplinary Actions

unlicensed corporation “DeCarolis Architecture Group, Inc.” designed and filed construction documents with the Randolph Township building official for permits for a tenant fix-up of PK’s Hot Bagels of Randolph, New Jersey, on or about November 14, 1999. Mr. DeCarolis agreed to pay a \$500; to apply to the Board for a Certificate of Authorization to practice architecture as a business corporation in New Jersey; and to cease and desist from the unlicensed practice of architecture until and unless he obtains a Certificate of Authorization.

July 13, 2000:

The license of **NICHOLAS J. SENESEY** (AI005452) was revoked by the State Board of Architects, via a Final Order of Discipline filed on July 13, 2000. This action was based on Mr. Senesey’s

guilty plea in the United States District Court, Southern District of New York, on or about April 17, 1997, to a charge of entering into a conspiracy to bribe New York City Board of Education officials. Specifically, Mr. Senesey and his co-conspirators caused bribes totaling \$12,000 to be paid to two New York City Board of Education officials for the purpose of expediting payments of at least \$108,000 for architectural and engineering services on a school project that were never performed or intended to be performed. He was sentenced to five years probation and a fine of \$30,000. Subsequently, on or about March 10, 1998, Mr. Senesey surrendered his license to practice architecture in the State of New York. Furthermore, on May 18, 1999, Mr. Senesey applied to the State

of New Jersey to renew his architect’s license for the period from August 1, 1999 through July 31, 2000. He falsely asserted on his renewal application that he had not been convicted of a crime nor had he been permitted to surrender his license to avoid inquiry, investigation or action by any state licensing board. He also falsely certified that the information on the license form was “true and complete.” The above offenses provide grounds for the suspension or revocation of Mr. Senesey’s license pursuant to N.J.S.A. 45:1-21a, f and g. A Provisional Order of Discipline, filed on April 13, 2000, was served upon Mr. Senesey by the Board. The Provisional Order was made final when the Board received no response from Mr. Senesey.

Failure to Repay Student Loans

Governor Christine Todd Whitman signed into law P.L. 1999, c. 54, effective June 8, 1999, which permits the Director of the New Jersey Division of Consumer Affairs, or any of the professional boards which issue licenses, to suspend any licensee who defaults on a state or federal education loan. The license will not be reinstated until the licensee provides the executive director of the board with a written release, issued by the lender or guarantor, which says that he or she has paid the loan in full, or is making payments in accordance with a repayment agreement approved by the lender or guarantor.

4. The course provider/sponsor;
 5. The date and location of the course;
 6. The number of CE hours earned from the course; and
 7. Verification of successful completion.
- (b) In addition to the requirements of (a) above, each architect shall verify specific continuing education activities applicable as follows:
1. Completion of academic course work by submitting an official transcript;
 2. Publication of a paper by submitting a copy of the published paper;
 3. Teaching or research appointment by submitting written verification from the appropriate school authority on official letterhead or bearing other official mark, attesting to the appointment; and
 4. Presentation of a continuing education lecture course or a scientific presentation by submitting written verification from the sponsoring organization of said presentation.
- (c) If official correspondence, a transcript, or formal verification of continuing education hours is not available, the architect shall substitute such evidence of completion of the CE hours claimed as may substantiate completion of those hours. The Board may require supplemental documentation or other evidence, including a personal interview with the architect, to establish verification of CE hours claimed for continuing education credit.
- (d) Falsification of any information submitted with the renewal application may result in an appearance before the Board, penalties, and/or suspension of license pursuant to N.J.S.A. 45:1-21 through 45:1-25.

13:27-4A.5 Audit of continuing education

- (a) All architects shall be subject to audit by the Board and shall, upon written request of the Board, submit documentation to support continuing education credit claimed for license renewal. Documentation may include, but is not limited to, proof of attendance, course syllabi, course descriptions, copies of courses, publications and papers published or presented, the verifications enumerated in N.J.A.C. 13:27-4A.4 and

other documentation as the Board may require.

- (b) The Board may reject any continuing education hours claimed for continuing education credit that are not relevant to the practice of architecture in the State of New Jersey.
- (c) The Board may take any appropriate disciplinary measures, including suspension of license, pursuant to N.J.S.A. 45:1-21, if an architect fails to meet continuing education requirements as set forth in this subchapter. An architect shall have an opportunity to be heard pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1, before any disciplinary measure is imposed.

13:27-4A.6 Waiver of continuing education requirements

- (a) The Board may waive all or part of the continuing education requirements on an individual basis for reasons of hardship, such as severe illness, disability, active service in the military, or other good cause.
- (b) Any architect seeking a waiver of all or part of the continuing education requirements shall apply to the Board in writing prior to renewal of licensure and set forth with specificity the reasons for requesting the waiver. The architect shall also provide such additional information as the Board may reasonably request in support of the request for waiver.

The New Jersey State Board of Architects encourages licensees to take advantage of this new tool to verify that the Board has on record his or her cocurrent address. Additionally, municipalities and construction companies may use the LVL to access status information on architects whom they may be employing, and licensees may access information on other architects with whom they may be working. This resource will also make easier the regulatory responsibilities of state boards which license architects in other states by providing fast and easy access to status information for those architects who are licensed in New Jersey.

The system is available 24 hours a day, allowing verification beyond normal business hours. During periods of heavy use, telephoning at off-peak times may improve your chance of gaining access to the system.

Another way to access status information on Board licensees is to log on to the newly available license directory on Consumer Affairs' Web site, located at <http://www.state.nj.us/lps/ca/arch/archdir.htm>. Searching the database of New Jersey's registered architects by name, you may obtain an individual's address, license number and license status. Furthermore, you may ascertain whether the licensee in question has any disciplinary history, although details of disciplinary actions taken against the individual are not available on the site.

The New Jersey State Board of Architects encourages use of the LVL and the online directory. These services will expedite the availability of the statuses of architect licensees to the public.

Moving? Be Sure to Notify the Board Office

Licensed architects and landscape architects must notify the New Jersey State Board of Architects within 30 days of a change of address. If you move, please complete and mail the form below to:

New Jersey State Board of Architects
P.O. Box 45001, Newark, NJ 07101

CHANGE OF ADDRESS NOTICE (Please type or print all information)

Name

License number

Old address

New address

Date